

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

METROPOLITAN LIFE INSURANCE
COMPANY,

Plaintiff,

Case No. 2:16-cv-14158-PDB-DRG

Hon. Paul D. Borman
Magistrate Judge David R. Grand

RONALD SIMMONS, WALTER
SIMMONS, DIANE PIERSON,
AND SHUNMECO COOLEY,

Defendants.

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Shunmeco Cooley
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20010 Weybridge Drive #301
Clinton Township, MI 48036

**REPORT AND RECOMMENDATION FOR WITHDRAWAL AND
DISBURSEMENT OF FUNDS DEPOSITED BY INTERPLEADER INTO
THE COURT AND TO DISMISS THIS CASE WITH PREJUDICE**

This is an interpleader action filed by Plaintiff Metropolitan Life Insurance Company (“Met Life”) against Defendants Ronald Simmons, Walter Simmons, Diane Pierson, and Shunmeco Cooley (collectively, “Defendants”) on November 28, 2016. Met Life commenced

this action because it was required to pay group life insurance benefits (\$14,250.00 plus accrued interest, hereinafter the “Funds”) of decedent Thomas L. Clark, and the Defendants had made conflicting claims to those benefits. All pretrial matters were referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1). Pursuant to Court order (Doc. #11), Met Life has deposited the Funds with the Clerk of Court.

On May 5, 2017, after the Funds were deposited with the Clerk of Court, the Court held a telephone conference with counsel to Met Life as well as with Defendants Ronald Simmons, Walter Simmons, and Diane Pierson. (Doc. #12). Defendant Shunmeco Cooley failed to appear without explanation. (Doc. #12). Another call was scheduled for May 19, 2017. (*Id.*). On or about May 12, 2017, the parties filed a Stipulated Order to Withdraw and Distribute Funds Deposited by Interpleader into the Court and Dismiss this Case with Prejudice. (Doc. #13).¹ The Stipulation, which is signed by all parties, provides that all of the Funds Met Life deposited with the Clerk of Court (plus any accrued interest thereon) are to be withdrawn and distributed to each of the four Defendants in equal shares. (Doc. #14).

On May 19, 2017, the Court held a telephone conference which was attended by counsel for Met Life and all Defendants. Each of the Defendants affirmed his/her assent to the terms of the Stipulation.

Accordingly, **IT IS RECOMMENDED** that the Clerk of Court be ordered to withdraw and distribute the Funds on deposit in equal shares to each of the four Defendants as follows:

¹ Subsequently, the parties provided the Court with a revised version of this document, which the Court has docketed as Docket No. 14 (the “Stipulation”). Separate copies of page four of the Stipulation contain all parties’ signatures. (Doc. #14 at 4-7). The very last page (p. 8) of the Stipulation contains social security numbers of the Defendants (other than Cooley), and the Court has omitted this page from Docket No. 14. It will however, provide this page to the Clerk of Court for use in distributing the Funds. Cooley is advised that the Clerk of Court may not be able to distribute her share of the Funds to her until she provides her social security number.

1. 25% of the Funds deposited by Met Life plus 25% of any accrued interest thereon payable to:
Ronald Simmons
28649 Lowell Ct.
Southfield, MI 48076
2. 25% of the Funds deposited by Met Life plus 25% of any accrued interest thereon payable to:
Walter Simmons
28649 Lowell Ct.
Southfield, MI 48076
3. 25% of the Funds deposited by Met Life plus 25% of any accrued interest thereon payable to:
Diane Pierson
28649 Brookwood Dr.
Olympia Fields, IL 60461
4. 25% of the Funds deposited by Met Life plus 25% of any accrued interest thereon payable to:
Shunmeco Cooley
20010 Weybridge Dr. #301
Clinton Township, MI 48036

IT IS FURTHER RECOMMENDED that after the Funds (including any accrued interest) are fully distributed, this civil action be **DISMISSED WITH PREJUDICE**.

Dated: May 22, 2017
Ann Arbor, Michigan

s/David R. Grand
DAVID R. GRAND
United States Magistrate Judge

NOTICE TO THE PARTIES REGARDING OBJECTIONS

Within 14 days after being served with a copy of this Report and Recommendation, any party may serve and file specific written objections to the proposed findings and recommendations and the order set forth above. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2); E.D. Mich. LR 72.1(d)(1). Failure to timely file objections constitutes a waiver of any

further right of appeal. *See Thomas v. Arn*, 474 U.S. 140, (1985); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005). Only specific objections to this Report and Recommendation will be preserved for the Court's appellate review; raising some objections but not others will not preserve all objections a party may have. *See Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987); *see also Frontier Ins. Co. v. Blaty*, 454 F.3d 590, 596-97 (6th Cir. 2006). Copies of any objections must be served upon the Magistrate Judge. *See* E.D. Mich. LR 72.1(d)(2).

A party may respond to another party's objections within 14 days after being served with a copy. *See* Fed. R. Civ. P. 72(b)(2); 28 U.S.C. § 636(b)(1). Any such response should be concise, and should address specifically, and in the same order raised, each issue presented in the objections.

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on May 22, 2017.

s/Eddrey O. Butts _____
EDDREY O. BUTTS
Case Manager